



WATER BUREAU POLICY AND PROCEDURES

NUMBER: WB-013
SUBJECT: CLASSIFICATION OF PUBLIC WATER SUPPLIES
EFFECTIVE DATE: OCTOBER 12, 2007
REVISION DATE: (5-YEAR REVIEW FREQUENCY)

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ISSUE:

A classification system for public water supplies is established under the Michigan Safe Drinking Water Act, 1976 PA 399, as amended (Act 399), being MCL 325.1001 et seq. and the administrative rules promulgated thereunder, being R 325.10101 et. seq. Public water systems are classified by the population served or the nature of their customer base. For instance, Type I (Community) systems are categorized by the number of living units served or the number of people served on a year-round residential basis. Type II (Noncommunity) systems are categorized by the population served as well as by the number of days service is provided.

The reference manual titled, "Suggested Practices for Water Works," that was developed for state and local regulatory staff to implement the requirements of Act 399, contains a section that established a reasonable approach to estimating population. However, changing trends in development have made the calculation of the number of year-round residents difficult. Therefore, updated guidance is necessary. Some issues need clarification so that consistent criteria can be applied and classification will be uniform across the state. This policy is to identify these issues and establish the method or approach the Water Bureau (WB) will use for water systems that may have unusual or unique service characteristics.

AUTHORITY:

Regulatory authority over public water systems is performed by the WB, with Part 5 of the administrative rules of Act 399 establishing the classification of public water systems. The WB provides direct oversight for Type I systems and delegates the authority over Type II water systems to local health departments under Section 16 of Act 399. Type III public water systems may also be regulated by local health departments if they elect to do so. Type III water system requirements are limited to complying with the well construction code and applicable state and local plumbing codes.

DEFINITIONS:

Employee: For purposes of classification as nontransient noncommunity public water systems, a person shall be counted as an employee if they are present an average of four hours per day for four days per week. Employees not meeting these criteria shall be counted as transient customers.

Full Capacity: For the purposes of classification, full capacity is the number of permanent beds available for the people housed in a facility, such as students in a dormitory, prisoners in a penal institution, residents in a nursing home or foster care home, patients in a mental institution, etc. This number does not include cots, daybeds, or roll-away beds that may be used in times of overcrowding or for short-term visitors who are staying overnight with a resident.

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Categorized based on the number of permanent beds: For the purpose of classification, "categorized based on the number of beds" is the respective industry standard of measurement for the size of a facility, such as the number of prisoners a prison facility can house, the number of patients for which a nursing home can care, or the number of students a dormitory may house.

Living Unit: Living unit means a house, apartment, or other domicile occupied or intended to be occupied on a day-to-day basis by an individual, family group, or equivalent.

Year-Round Service: Year-round service means the ability of a supplier of water to provide drinking water on a continuous basis to a living unit or facility.

A breakdown of the classification of public water systems is summarized in the table below.

Types of Public Water Systems

Classification			Description	Examples
Public Water System	Type I Community		Provides year-round service to ≥ 15 living units OR to ≥ 25 residents	Municipalities, subdivisions, apartments, condominiums, nursing homes, manufactured housing communities
	Type II * Noncommunity	Nontransient	Serves ≥ 25 of the SAME individuals on an average daily basis for ≥ 6 months/yr (and is not a Type I)	Places of employment, schools, day care centers, bottled water sources
		Transient	Serves ≥ 25 individuals or ≥ 15 service connections on an average daily basis for ≥ 60 days/yr (and is not a Type I)	Hotels, restaurants, campgrounds, churches, highway rest stops
	Type III		Public water system that is not a Type I or Type II	Subdivisions, apartments, condominiums, or duplexes with 2-14 living units, facilities serving < 25 individuals or open < 60 days per year
Private Water System			Serves a single living unit	Single family home

* Type II public water systems are also classified according to their average water production during the month of maximum water use. A Type IIa system produces 20,000 or more gallons per day and a Type IIb system produces less than 20,000 gallons per day.

Type I Public Water System: A Type I public water system provides year-round service to not fewer than 15 living units or regularly provides year-round service to not fewer than 25 residents. A resident is an individual who owns or occupies a living unit. Type I public water systems are also called community supplies.

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Type II Public Water System: A Type II public water system provides service on an average daily basis to 25 or more individuals or 15 or more service connections for not less than 60 days per year, but does not meet Type I criteria. Type II public water systems are called noncommunity supplies.

Type III Public Water System: Type III public water systems are all other water systems that serve more than a single family residence but are not Type I or Type II supplies.

POLICY:

Classifying a public water system as Type I: Public water systems that provide year-round service to 15 or more living units inhabited by the same individuals shall be classified as Type I public water systems regardless of the number of individuals present. Facilities that are licensed, regulated, rented, leased, sold, or otherwise categorized based on the number of beds at full capacity shall be classified as Type I public water systems if their full capacity is 25 or more beds, regardless of the number of beds occupied on any given day. These facilities include, but are not limited to: nursing homes, homes for the aged or indigent, adult foster care homes, dormitories, penal institutions, and mental institutions, if they provide year-round service.

Classifying a public water system as Type II: Public water systems that are not Type I public water systems but serve 25 or more people or 15 or more service connections for at least 60 days per year shall be classified as Type II public water systems. These facilities include, but are not limited to: schools, day care centers, campgrounds, restaurants, seasonal resorts, hotels, and churches.

Classifying a public water system as Type III: Public water systems that are not Type I or Type II public water systems are classified as Type III. These facilities include, but are not limited to: duplexes, apartments or condominiums serving 2-14 living units, and facilities serving less than 25 individuals or open less than 60 days, and adult foster care homes with fewer than 25 residents and employees.

Bottled Water Sources: Sources for bottling water facilities that are not community supplies are classified as Type II public water systems and shall be considered nontransient.

Condominiums: Condominium developments subdivided into living units are classified by the number of living units having year-round service that are incorporated under a single legal entity. Unless an acceptable legal mechanism restricts owner occupancy to less than 6 months per year, a condominium development consisting of 15 or more living units having year-round service will be classified as a Type I public water system. If less than 15 living units are present, the development is classified as a Type III system unless there are more than 25 individuals present on 60 or more days, in which case it will be classified as a Type II public water system.

If the condominium development is subdivided into something other than living units, such as commercial units, the water system will be classified by the total number of employees/people expected to be present throughout the development on an average daily basis at least 60 days per year. If that number is 25 or more, the system will be classified as a Type II water supply. If it is

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25 or more employees, the system will be classified as a nontransient noncommunity water supply. If it is less than 25 employees/people, it will be considered a Type III water supply.

Condominium hotels: Condominium hotels or other facilities that provide housing for more than 25 guests or serve fluctuating populations, such as seasonal housing, resorts, time-share condominiums, extended stay hotels, and short-term apartments, will be classified as Type II public water systems if they legally restrict the length of stay for owners of the individual units to less than 6 months per year. The limitation shall be in a mechanism that discloses to anyone intending to purchase, lease, rent, sublet, or otherwise enter into an agreement for the purpose of residing in the domicile, even if the intent is to reside for a time less than six months. The purpose is to ensure that prospective purchasers or renters fully understand that the domicile may not be sold or rented for occupancy on a continuous basis or for a period greater than six months per year. Appropriate mechanisms legally restricting the length of stay and disclosing the limitation to prospective buyers may include, but are not limited to, deed restrictions, association constitutions, and disclosure documents that are also used to disclose contamination on the property or structural problems or other concerns normally required by common real estate law to disclose. Examples of mechanisms that do not provide sufficient restrictions on the length of stay and disclosure for prospective buyers are association bylaws, contracts to rent, lease, or purchase the domicile or time-share to occupy the domicile.

Condominium hotels or other facilities that continuously supply 15 or more living units without providing acceptable legal restrictions on the length a resident may occupy a unit will be classified as Type I public water systems.

Seasonal vs. year-round: Vacant or unoccupied living units will be counted in the number of year-round living units for determining classification of the water system if water service is maintained for possible, intermittent, or immediate occupancy. Living units that have their service shut off and service line drained for winter months will not be counted.

Changing the classification of a public water system: Changes in classification should be avoided. Every attempt should be made during initial contact with developers to determine the residential nature of a facility and an ultimate build-out capacity. In doing so, the initial water system construction can be made to accommodate future changes in system capacity and reclassification when future phases are constructed. Requirements for well isolation and construction, along with ownership and oversight, are just a few items that vary significantly based on classification and for which it will be difficult to achieve compliance after initial water system installation.

If condominium hotels, resorts, time-share condominiums, etc, later decide to convert ≥ 15 living units to allow for year-round occupancy, then the public water system shall meet Type I construction standards. If the system does not meet Type I construction standards at the time it becomes a Type I public water system, then the WB shall consider the public water system a "new" system for the purpose of capacity development and shall ensure the public water system has technical, financial, and managerial capacity to operate as a Type I community water system, including the possibility of having to install wells that comply with Type I construction and isolation standards.

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The WB will not reclassify public water systems from one year to the next based on the current occupancy or vacancy rates. A Type I system serving 15 or more living units whose population becomes less than 25 people will not be reclassified as a Type III system. However, if we are notified that a Type III system serving 2-14 living units is serving a population of 25 or more, WB staff will confirm the population and reclassify the system as a Type I water system if they confirm a year-round residential population of 25 or more. Reclassification of systems providing service to a changing number of living units will only occur if the facility provides documentation to that effect.

Reclassification of facilities categorized based on the number of permanent beds will only occur if the number of beds has changed.

Any reclassification of a public water system shall be made in writing to the owner, with copies of this notice provided to the appropriate regulatory agency if the oversight responsibility is also changing.

Contiguous property: According to Rule R327.10503 two or more waterworks systems owned or operated by the same person at the same general location, not individually meeting the definition of a community supply or a noncommunity supply, but collectively meeting the definition of a community supply or noncommunity supply, shall be considered by the WB to be a single public water supply for classification purposes.

REFERENCES:

Michigan Safe Drinking Water Act, 1976 PA 399, as amended

REFERENCE TO BUREAU PROGRAMS: Programs impacted by the policy are in the list below.

Bureau programs:

Public Water System Supervision	Groundwater Management Program
Campground Permit and Inspection Program	Security Program

METHOD OF DISTRIBUTION:

The policy will be distributed by e-mail and available on the common drive. It will be included in the training manuals for new drinking water program staff. It will be distributed to local health departments by e-mail and included in the Reference Manual for county sanitarians. If possible, it will also be placed on the WB Web site.

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PROCEDURE:

<u>Responsibility</u>		<u>Action</u>
WB district staff, or the local health department (LHD) personnel for the Noncommunity Program	1.	Establishes the classification of the public water system based on documentation provided by the owner/developer. Notifies owner/developer of responsibilities should subsequent change in population or service characteristics result in a change of classification. Monitors supply for changes that may affect classification. Makes timely entry into SDWIS.
Public water supply	2.	Provides WB or LHD with documentation of a change in the population served, the number of living units served, the full capacity of the facility, or the occupancy restrictions for living units served by the public water system.
WB district staff for Community Program, or the LHD personnel for the Noncommunity Program	3.	Determines if documentation is sufficient to change the classification of an existing public water system. Consults with other regulatory agency if a change in classification is warranted. Documents the change in classification in writing and notifies appropriate regulatory agency if oversight responsibility changes.
Supplier of a public water system serving or intending to serve residents for less than 60 days or 6 months per year.	4.	Provides appropriate documentation legally restricting residents from staying in the living unit for more than 60 days or more than 6 months per year and sufficiently discloses the restriction to prospective purchasers or renters.
WB district staff, or the LHD personnel for the Noncommunity Program	5.	Determines if the documentation legally restricts residents from staying in the living unit for more than 60 days or more than 6 months per year and sufficiently discloses the restriction to prospective purchasers or renters.

APPROVED: _____

Richard A. Powers
Richard A. Powers, Chief
Water Bureau

DATE: 10/11/07

LAST REVIEWED BY: _____

Name
Title

DATE: _____

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